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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,921	12/16/2003	Di Wei	10691; 60246-220	5823
26/096 7590 03/24/2009 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009				
EXAMINER				
MAYEKAR, KISHOR				
ART UNIT		PAPER NUMBER		
1795				
MAIL DATE		DELIVERY MODE		
03/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: DI WEI, THOMAS VANDERSPURT,  
RAKESH RADHAKRISHNAN, STEPHEN HAY,  
TIMOTHY OBEE and WAYDE SCHMIDT

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Application No. 10/736,921  
Technology Center 1700

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Mailed: March 24, 2009

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 18, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the

application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on February 19, 2008. On May 16, 2008, the Examiner mailed a communication acknowledging receipt of Appellants' Reply Brief filed. The response contains additional arguments which are improper. The comments made by the Examiner constitute a Supplemental Examiner's Answer. In accordance with MPEP § 1207.05, all Supplemental Examiner's Answers must be approved by a Technology Center (TC) Director or designee. The Communication mailed May 16, 2008, was not signed by the Technology Center Director or designee.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) properly consider the Reply Brief filed February 19, 2008 as indicated above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

Application No. 10/736,921

KZ/MTV/tsj

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